



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,475	03/23/2001	Benjamin O. Roderique	010031	5333

7590

02/02/2004

David E. Bennett
Coats & Bennett, P.L.L.C.
1400 Crescent Green
Suite 300
Cary, NC 27511

EXAMINER

NGUYEN, DUC M

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 02/02/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/815,475

Applicant(s)

Roderique

Examiner

Duc M. Nguyen

Art Unit

2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 & 6 6) ☐ Other:

Art Unit: 2685

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the information disclosure statements submitted on 3/23/01 and 8/13/02 have been considered by the examiner (see attached PTO-1449).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chow et al** (US Pat. Number 6,654,615).

Regarding claim 1, **Chow** discloses a method and system for handling an incoming call for a wireless device (see **col. 4, lines 9-54**), comprising:

- receiving an incoming call at the wireless device on a control channel as claimed (see **col. 4, lines 45-54**);

Art Unit: 2685

- transmitting a selected option for handling the incoming call on the control channel as claimed (see **col. 4, lines 45-54**).

Regarding claim **3**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, **Chow** discloses the step of identifying a source of the incoming call, and the selection is based on the identified source as claimed (see caller ID and screening call, **col. 5, line 19 - col. 6, line 14**).

Regarding claim **4**, the claim is rejected for the same reason as set forth in claim 1 above. In addition, it is clear that **Chow** discloses the selection is performed automatically (see col. 4, lines 3-7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **2, 5-23** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Chow** in view of **Arbel et al** (US Pat No. **5,276,731**).

Art Unit: 2685

Regarding claim 2, **Chow** discloses all the claimed limitations, see claim 1 above, except for a plurality of messages is stored at a voice mailbox for selection. However, in an analogous art, **Arbel** discloses an incoming call handling method based on caller IDs, wherein a plurality of prerecorded messages are stored in the database for playing back a selected message to the caller based on the origination phone number, or caller ID (see **col. 7, line 42 - col. 9, line 17**).

Therefore, it would have been obvious to one skill in the art to provide the above teaching of **Arbel** to **Chow** for storing a plurality of personalized messages in the mailbox for selection as claimed, for providing an enhanced feature to the user of a voice message mailbox (i.e., customized messages dedicated user's status such as on vacation, in the meeting, or dedicated to special people such as mom, or dedicated to unknown, advertisement calls). Further, since using an identification for identifying a prerecorded message is known in the art (Official Notice), it would have been obvious to one skill in the art to further modify the above teachings of **Arbel** and **Chow** for sending a selected option as claimed, in order to indicate to the voice mail system which personalized message would be used for the announcement.

Regarding claim 5, the claim is interpreted and rejected for the same reason as set forth in claim 2 above, wherein it would have been obvious to one skill in the art that **Chow** as modified would disclose the step of transmitting an identification of the selected prerecorded message on the control channel as claimed, in order to indicate to the voice mail system which personalized message would be used for announcement (see **Arbel, col. 10, lines 14-18** and **Chow, col. 6, lines 10-14**).

Art Unit: 2685

Regarding claim 6, the claim is rejected for the same reason as set forth in claim 5 above. In addition, since the return selection is transmitted over the control channel as disclosed by **Chow** (see col. 4, lines 46-49), it would have been obvious to one skill in the art that a registration frame would be used for transmitting such selection, in order to utilizing the allocated control channel for transmission of the return selection.

Regarding claim 7, the claim is rejected for the same reason as set forth in claim 5 above. In addition, it is clear that the user of the wireless device should enter (manually select) which message be used for which number (see Arbel, col. 8, lines 45-55).

Regarding claim 8, the claim is rejected for the same reason as set forth in claim 5 above. In addition, since the keypads of the wireless device is used for activating/deactivating feature codes (i.e, see Chow, col. 32, lines 45-60), it would have been obvious that such keypads would also be used for indicating the selection of a message as well, in order to provide DTMF signaling communications.

Regarding claim 9, the claim is rejected for the same reason as set forth in claim 5 above. In addition, **Chow** discloses the step of identifying a source of the incoming call, and the selection is based on the identified source as claimed (see caller ID and screening call, **col. 5, line 19 - col. 6, line 14**).

Regarding claim 10, the claim is interpreted and rejected for the same reason as set forth in claim 5 above. In addition, it is clear that **Chow** and **Arbel** as modified would disclose the “phone book” (see the “call screen list” in **Chow**, see col. 6, lines 1-14), the selection of the

Art Unit: 2685

personalized message corresponding to the matched telephone number of the incoming call as claimed (see **Arbel**, col. 12, lines 20-23). would read on the “phone book as claimed.

Regarding claim **11**, the claim is interpreted and rejected for the same reason as set forth in claim 5 above. In addition, **Chow** and **Arbel** as modified would disclose a default pre-recorded message as claimed (see col. 40, lines 45-57), in order to return a response regarding the status of the call to the caller.

Regarding claim **12**, the claim is rejected for the same reason as set forth in claim 11 above, whereas it would have been obvious to play back a default pre-recorded message as claimed, in order to return a response regarding the status of the call to the caller.

Regarding claims **13-14**, the claims are rejected for the same reason as set forth in claim 5 above.

Regarding claim **15**, the claim is rejected for the same reason as set forth in claim 6 above.

Regarding claim **16**, the claim is rejected for the same reason as set forth in claim 10 above. In addition, it is clear that **Chow** discloses the selection is performed automatically (see col. 4, lines 3-7).

Regarding claim **17**, the claim is rejected for the same reason as set forth in claim 7 above.

Regarding claim **18**, the claim is rejected for the same reason as set forth in claim 8 above.

Art Unit: 2685

Regarding claim **19**, the claim is rejected for the same reason as set forth in claim 10 above. In addition, it is clear that **Chow** discloses the identifying step as claimed (see caller ID, col. 5, lines 19-30).

Regarding claim **20**, the claim is rejected for the same reason as set forth in claim 10 above.

Regarding claim **21**, the claim is rejected for the same reason as set forth in claim 11 above.

Regarding claim **22**, the claim is rejected for the same reason as set forth in claim 13 above. In addition, it is clear that when the user is in the meeting mode, the user would not want to receive any incoming call (see **Chow**, col. 34, lines 30-33). This meeting mode would read on the “unavailable mode”. Since manually or automatically setting the phone in a “meeting mode” is known in the art, it would have been obvious to one skill in the art to further modify the above teachings of **Arbel** and **Chow** for providing an “unavailable mode” as claimed, in order to avoid disruption at a particular times (i.e, in the meeting).

Regarding claim **23**, the claim is rejected for the same reason as set forth in claim 10 above. In addition, it is clear that **Chow** as modified would disclose the recording step as claimed (see **Arbel**, col. 11, lines 35-46).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2685

- **Mizikovsky** (US Patent. Number 5,559,860), User selectable response to an incoming call at a mobile station.

- **Boltz et al** (US Patent. Number 6,246,889), System, method and apparatus for delayed call answering.

- **Bannister et al** (US Patent. Number 6,246,889), Method and apparatus for providing user controlled call management services.

- **Tatchell et al** (US Patent. Number 5,999,611), Subscriber interface for accessing and operating personal communication services.

- **Pepe et al** (US Patent. Number 5,742,905), Personal communication internetworking.

7. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-

Serial Number: 09/815,475

Page 9

Art Unit: 2685

Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen

Jan 23, 2004

A handwritten signature in black ink, appearing to read "Duc M. Nguyen", with a long horizontal flourish extending to the right.